

Donald Tarnawa
Reg. No. 32152-013
Hazelton F.C.I.
P.O. Box 5000
Bruceton Mills, WV., 26525

FILED

OCT 28 2024

Clerk, U.S. District Court
Eastern District of Texas

In The
United States District Court
For The Eastern District of Texas

	§	
United States of America,	§	Case No. 403 -CR-144
Plaintiff-Respondent,		
	§	Tarnawa Moves For Reconsideration
		Of The Court Recent Order
v.	§	Denying His MOTion to Reopen
	§	
Donald Tarnawa,	§	
Defendant-Movant.		

_____ /

Acting without counsel, Donald Tarnawa ("Tarnawa"), here by moves to correct a great injustice regarding his previously filed motion for compassionate release, and in support states:

This Court appears to have make a great mistake in its review of Tarnawa's motion to reopen his motion for compassionate release. Apparently, this Court believes that Attorney Wayne Dickey reviewed the motion for compassionately and deemed it unworthy for arguing. But, Wayne Dickey never, not once reviewed teh compassioante release motion. In fact, Tarnawa has attached a copy of the letter sent by Wayne Dickey which clearly shows that he was only reviewing the teh potential filing of a motion for a reduction under Amendment 821.

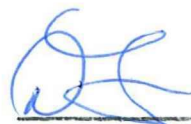
Further review of the motion filed by Mr. Dickey shows his lack of attention to Tarnawa's case. That is, according to Mr. Dickey he reviewed the "PSR, Judgment and plea agreement" in this case. First Tarnawa proceeded to trial and he did not plea guilty. Next, as Mr. Dickey's letter clearly shows he was appointed to represent Tarnawa in a potential motion for a reduction under Amendment 821, which is under 18 U.S.C § 3592(c)(2). Moreover, he states that he is looking at some apparent recent amendments to a reduced sentence for "drug offenses." Tarnawa does not have a drug crime.

This Court recent order mistakenly took for granted that Mr. Dickey was looking at Tarnawa's compassionate release, when it denied Tarnawa's motion to reopen his compassionate release. At no time, as Mr. Dickey's October 1, 2024 letter shows, was he looking at Tarnawa's compassionate release motion that this Court dismissed without prejudice. Perhaps it is the language that Mr. Dickey uses in his motion to withdraw, which can be deceiving. That is, he refers to "motions" and where he does in fact mention only § 3582(c), there is a clear error here, in that, Mr. Dickey was limiting his motion to that under Amendment 821, and nothing more.

It is not Tarnawa's intentions to draw this ire, but in his motion to reopen he believed that he explained this but somehow it has grossly mis-read. If this Court simply desires Tarnawa to resubmit his compassionate release motion he will gladly do so, but according to the order it appears this Court is taking Mr. Dickey's withdraw as the "compassionate release motion" is what he is talking about, when it is not. Please reconsider this Court's ruling and reopen Tarnawa's

compassionate release motion, based on Mr. Dickey's letter to Tarnawa, as it clears the misunderstanding up. In the absence of this being corrected Tarnawa is being denied an opportunity to have his motion heard. Thanks your Honor for taking time out of your busy schedule to correct this misunderstanding.

Filed this 24th day of October 2024.



Donald Tarnawa

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